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Fox sep

Atty Dkt No. 1393.002  
RCE of 2302-1393  
PATENT

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Date

[Signature]  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BARCHFELD et al.

Serial No.: 09/044,696

Art Unit: 1641

Filing Date: March 18, 1998

Examiner: S. Devi

Title: DETOXIFIED MUTANTS OF BACTERIAL ADP-  
RIBOSYLATING TOXINS AS PARENTERAL ADJUVANTS

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JUL 19 2002  
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TRANSMITTAL

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed June 18, 2002, enclosed is the following:

- X a copy of the Notice to Comply and a copy of the CRF Problem Report;
- X a Sequence Listing in paper form and computer-readable form;
- X a Statement to Support Filing and Submission in Accordance With 37 . C.F.R. §§ 1.821-1.825.

Atty Dkt No. 1393.002  
USSN: 09/044,696  
PATENT

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: July 12, 2002

By: *Dahna S. Pasternak*  
Dahna S. Pasternak  
Registration No. 41,411  
Attorney for Applicants

CHIRON CORPORATION  
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Date

[Signature]  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BARCHFELD et al.

Serial No.: RCE of 09/044,696

Art Unit: 1645

Filing Date: March 18, 1998

Examiner: S. Devi

Title: DETOXIFIED MUTANTS OF BACTERIAL ADP-RIBOSYLATING  
TOXINS AS PARENTERAL ADJUVANTS

STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned hereby states that the content of the attached papers and the computer-readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. §§ 1.821(c) and (e), respectively, are identical and contain no new matter.

Respectfully submitted,

Date: July 12, 2002

By: [Signature]

Dahna S. Pasternak  
Registration No. 41,411  
Attorney for Applicants

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Application No.: 09/044,696

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

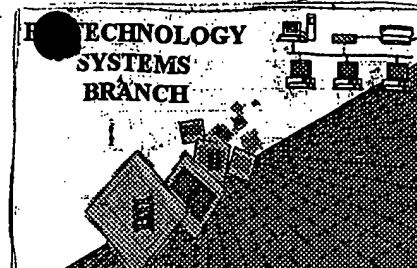
Technical Assistance.....703-287-0200

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

**CRF Problem Report**



The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/044,696A  
Filing Date: 3/18/1998  
Date Processed by STIC: 5/7/2002

STIC Contact: Mark Spencer, 703-308-4212

**Nature of Problem:**

The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)  
☐ Blank (no files on CRF) (see attached)  
☐ Empty file (filename present, but no bytes in file) (see attached)  
☐ Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.  
☐ Not saved in ASCII text  
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.  
☐ Did not contain a Sequence Listing. (see attached sample)  
☐ Other: \_\_\_\_\_

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
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Revised 01/29/2002